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President Lincoln: the Reluctant Emancipator

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In July 1862, President Lincoln presented a draft of the Emancipation Proclamation to his Cabinet ¹ With their general approval he waited patiently for a Union victory so he could proclaim emancipation after a momentous event General McClellan's "victory" at Antietam in September 1862 provided the opportunity and the President used the occasion to issue the proclamation He further stated it would go into effect in approximately one hundred days unless the states then in rebellion peacefully returned to the Union ² The effects were far reaching As Union armies surged into the interior of the Confederacy, slaves fled their masters and deprived the South of essential farm workers, potential soldiers and military laborers Additionally, the proclamation virtually ensured that Great Britain would never recognize the Confederate States of America ³ While these two benefits are most certainly true, the preceding facts fail to show that there was a political battle to initiate emancipation prior to President Lincoln's cabinet meeting in July 1862

We primarily think of President Lincoln, The Great Emancipator, as ascendant during the War of Rebellion and the Radical Republican Congress as ascendant during Reconstruction This paper will demonstrate, using the Emancipation Proclamation as a vehicle, that the proclamation was issued as the result of special interest groups and the Radical Republican Congress virtually

¹ E B Long, *The Civil War Day By Day, An Almanac 1861-1865* (New York Doubleday & Company, Inc , 1971), 242

² Ibid , 306 President Lincoln signed and issued the final document on January 1, 1863

³ Great Britain had outlawed slavery (1807) a year prior to the United States (1808) This single act provided the Union cause with a moral and constitutional foundation the South, and Robert E Lee in particular, failed to understand as the Gettysburg Campaign began six months later

forcing emancipation upon an unwilling Abraham Lincoln, The Reluctant Emancipator

The road to emancipation began with the very first constitutional compromise in 1787, when the constitutional convention delegates specifically referred to slavery without ever using the word. Article I Section 2 contains the phrase “three fifths of all other Persons.” Section 9 of the same article states, “The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the Year one thousand eight hundred and eight.” Article IV Section 2 refers to the return of runaway slaves. Finally, Article V states, “Provide that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article.”⁴ Clearly, the necessary compromise to facilitate nation building prohibited any effort to emancipate the slaves. However, while the Constitutional Convention was sitting, the Congress, chartered under the Articles of Confederation, did prohibit slavery in the newly opened Northwest Territories.⁵

While the Congress passed a law in 1808 making the importing of slaves illegal, the new flash points were the territories on the west of the Mississippi River. Whereas the Northwest Ordinance compromise allowed no slavery in the Northwest Territories, by implication it did allow slavery in the western territories

⁴ *The Declaration of Independence and the Constitution of the United States of America* (Washington, D C: National Defense University Press, 1995), 44, 57, 73, 75

⁵ Christopher Collier and James Lincoln Collier, *Decision in Philadelphia, The Constitutional Convention of 1787* (New York: Ballantine Books, 1987), 217

of Georgia (the future Mississippi and Alabama), North Carolina (the future Tennessee) and Virginia (the future Kentucky - birthplace of both A Lincoln and J Davis), in short the territories south of the Ohio River This trend continued with the Missouri Compromise of 1820 that allowed slavery in Missouri as the price for Maine's statehood⁶ In the Compromise of 1850 the price for California's statehood cost the Federal Government \$10M in compensation to Texas for its claims to New Mexico and Arizona, the passing of the Fugitive Slave Laws and authorization for slave owners to migrate to the New Mexico, Arizona, and Utah Territories⁷ However, regardless of the scope of the compromise the numbers of states and their populations were steadily growing to the detriment of the South

In 1790 the five primary slave states (MD, VA, NC, SC and GA) were outnumbered five to eight in states but nearly equal in population (1 7M 1 8M) to the Northern states⁸ The general assumption was that the Southern states would attract more immigrants than the Northern states and the balance between the North and South would be maintained over time⁹ This assumption was flawed and by 1850 the South had eleven states with 6 9M people, while the North had twenty states and 15 7M people¹⁰ The implication was clear that soon the North would own the votes to have a clear two-thirds majority in the House based on population Additionally, the territories most ready for statehood (OR,

⁶ Melissa Broeckelman, Josh Carter, and Cody Shaw, Missouri Compromise, (<http://usd316.k12.ks.us/gpms/mcomp.htm>), accessed December 3, 1997

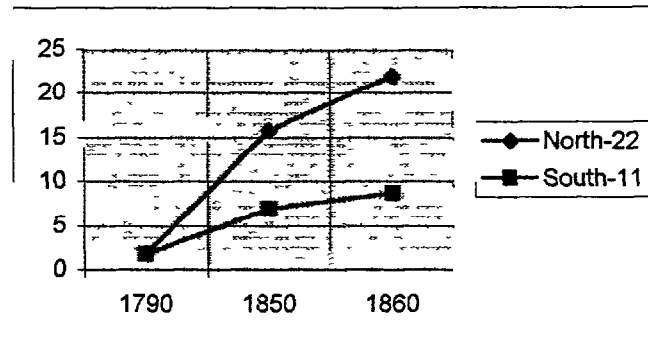
⁷ World Book Online, The Compromise of 1850, (<http://www.worldbook.com/blackhistory/bh036.html>), accessed November 15, 1997

⁸ Microsoft Bookshelf '95, 1995 Almanac, States of the US Census

⁹ Collier, 121

¹⁰ Bookshelf 95, 1995 Almanac

MN, KS, and NE) would likely fall into the Northern majority providing a sectional advantage of forty-eight senators to twenty-two. Clearly, the North was approaching the three-fourths majority required to simply pass an amendment abolishing slavery. By 1860 this trend was even more threatening, as the South



gained zero states but increased its population to 8.7M.¹¹ However, the North added two states and possessed a population totaling 21.9M.¹² Additionally, the North had six states (NY, PA, OH, IL, IN and MA) that were greater in population size than Virginia, the largest Southern state.¹³ While these numbers demonstrated the inevitable political demise of slavery, election results and political rhetoric provided Southern leaders with clear proof of Northern intent.

Events in 1854, the Dred Scott case before the Supreme Court (attorney for the defense was Montgomery Blair),¹⁴ challenges to the Fugitive Slave Act (challenged in Ohio by attorney Salmon Chase),¹⁵ and the Kansas-Nebraska Act

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ The Dred Scott Case, (http://www.senate.gov/curator/qtvr_tour/dred.htm), accessed December 3, 1997

¹⁵ John Nivens, Salmon P. Chase: A Biography, (<http://www.c-span.org/mmedia/booknote/lambbook/transcripts/10149.htm>), accessed December 3, 1997

broke down the fabric of compromise just as the key practitioners died¹⁶ The Free Soil Party, the abolitionist movement and the remnants of the northern wing of the Whig Party were attracted to the new Republican Party¹⁷ The language of the debates changed considerably William Seward, a Senator from New York, declared that there was a "higher authority than the Constitution" when it came to slavery¹⁸ He also knew that Civil War was imminent and declared it to be an "irrepressible conflict"¹⁹ Senator Seward's new political party, a collection of activist special interest groups nominated and elected Abraham Lincoln in 1860 Just how bad was the situation for the South at this juncture?

While the number of states and the population data appeared absolutely unfavorable, the new President did not have a clear majority in either house of Congress²⁰ He was faced with maintaining the Union as his primary task

	Sen Dem	Sen Rep	Sen Oth	Sen Vac	Hse Dem	Hse Rep	Hse Oth	Hse Vac
36th Cong	38	26	2	0	101	113	23	0
37th Cong	29	29	7	1	101	106	28	2
37th Actual	11	31	7	1	42	106	28	2

The path he chose is the clearest statement of his intentions with regard to his primary task He chose no Southerners for Cabinet level positions Part of his

¹⁶ The key practitioners were the Henry Clay, Daniel Webster, and John Calhoun The first two died about this time

¹⁷ Grolier Online, The American Presidency The Whig Party, (<http://publishing.grolier.com/presidents/ea/side/whig.html>), accessed December 4, 1997

¹⁸ Tulane University, William Seward, (<http://www.tulane.edu/~latner/Seward.html>), accessed December 4, 1997

¹⁹ Ibid

problem was the scarcity of available Southern Republicans. However, his Cabinet choices marked his administration as anti-slavery. Their past rhetoric and political actions highlighted their potential for future compromise. In short,

Cabinet Position	Name	State(s)	Pre 1855	anti-slave
Secretary of State	Seward	NY	Whig	Yes
Secretary of War	Cameron	PA	Whig	Yes
Secretary of the Navy	Welles	CT	Whig	Yes
Secretary of the Treasury	Chase	NH-OH	Whig	Yes
Postmaster General	Blair	MO-MD	Free Soil	Yes
Attorney General	Smith	IN-MO	Whig	Yes

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this cabinet of anti-slavery politicians represented the first interest group that influenced President Lincoln's path towards emancipation.

The next significant group to influence the President was the Radical Republican majority in both Houses of Congress. For the first time in the history of the United States Congress, the dam of compromise, based on the contentious issue of slavery, had been swept away by the vacant seats resulting from the Rebellion. The House Majority Leader and Chairman of the Ways and Means Committee, Thaddeus Stevens, willed the House forward with legislation aimed at improving the Nation's infrastructure and towards immediate abolition of slavery.²² He expressed his frustration early in the war to Secretary of Treasury Chase that President Lincoln was willing to compromise abolition to achieve

²⁰ U S House of Representatives, Office of the Clerk, Historical Office, (<http://clerkweb.house.gov/histrecs/history/elections/political/divisions.htm>), accessed December 4, 1997

²¹ Lincoln's War Cabinet, (<http://pw1.netcom.com/~nlydia/HistoryPage.html>), accessed December 4, 1997

Union²³ For Thaddeus Stevens the war was about slavery and he now had the power to bring about change. He ensured passage of the 1st Confiscation Act in August 1861 and passage of the 2nd Confiscation Act in July 1862.²⁴ He also ensured that emancipation debate resulted in an emancipation resolution in April 1862, five months prior to the President's draft Emancipation Proclamation.²⁵ He kept the pressure on the President and guaranteed that the "people's house" wanted nothing less than an end to slavery and an end to the rebellion. Majority Leader Stevens had several allies. In the Senate three prominent senators, Charles Sumner of Massachusetts, Benjamin Wade of Ohio and Zachariah Chandler of Michigan, possessed parallel desires for immediate emancipation.²⁶ They presented the President with a constant stream of reasons supporting emancipation, which were grounded in military and foreign policy considerations.²⁷ From March 1861 through April 1865, these prominent Congressional leaders used their Constitutional powers to leverage a reluctant President towards the complete abolition of slavery.

A final abolitionist interest group consisted of several prominent newspaper publishers and Mr. Frederick Douglass. Mr. Garrison and Mr. Greeley communicated often with President Lincoln regarding emancipation. In fact, in an August 22, 1862 letter to Mr. Greeley, President Lincoln stated, "My

²² *Financing the Civil War*, Chapter V (Unpublished House of Representatives History, 1997), 2, 5

²³ *Ibid*, 5

²⁴ Stephen B. Oates, *With Malice Towards None: The Life of Abraham Lincoln* (New York: Harper and Row, Publishers, 1977), 254, 299

²⁵ Long, 197

²⁶ Stephen B. Oates, *Abraham Lincoln: The Man Behind the Myths* (New York: Harper & Row, Publishers, 1984), 93-97

²⁷ *Ibid*, 93-97

paramount object in this struggle is to save the Union and is not either to save or to destroy slavery”²⁸ Mr Douglass, however, had a two point agenda consisting of immediate emancipation and recruitment of blacks into the Army and Navy²⁹ President Lincoln was opposed to both³⁰ In fact, he actively sought to ensure that the provisions of the Militia Act of 1792 remained in force That act prohibited blacks in the Army³¹ President Lincoln went further and preferred the emigration of blacks to Haiti or Liberia³² This option had been used by the American Colonization Society since 1817 in Liberia³³ However, in 1862 after replacing Simon Cameron at the War Department, Edwin Stanton encouraged, without President Lincoln’s authorization, recruitment of blacks by General Hunter in South Carolina³⁴ General Hunter organized the first black regiment in May 1862, again predating the draft Emancipation Proclamation by nearly five months The forces of emancipation and abolition were working in concert to urge a reluctant President to focus on slavery and not the Union

The simple question is “what kept the President from declaring emancipation upon assuming office in March 1861?” First, several events had already occurred President Davis was actually sworn in two weeks prior to

²⁸ Oates, *With Malice* , 313 President Lincoln’s letter was a response to Greeley’s August 19, 1862 editorial in his paper, the New York *Tribune*

²⁹ The Civil War Years – The Fight for Emancipation
(<http://www.history.rochester.edu/class/DOUGLASS/PART4.html>), accessed December 4, 1997

³⁰ President Lincoln did not authorize the raising of the United States Colored Troops until October 1862 after he issued the draft Emancipation Proclamation

³¹ The First National Conscription Act, 1792
(http://earlyamerica.com/keigwin_mathews/archives/conscription/index.html), accessed December 4, 1997

³² *Abraham Lincoln Great Speeches* (New York: Dover Publications, 1991), 81

³³ Library of Congress, American Colonization Society Collection
(<http://lcweb.loc.gov/spcoll/007.html>), accessed December 4, 1997

³⁴ Edwin Stanton (<http://pw1.netcom.com/~nlydia/historypage/stanton.html>), accessed December 4, 1997

President Lincoln's inauguration³⁵ The states in open rebellion had seized Federal property within their boundaries Faced with these immediate and pressing problems, President Lincoln was acting like an aircraft pilot during an in-flight emergency The pilot's first step, the focus of his emergency training, is to determine what is still functioning properly President Lincoln correctly assessed that the states not in secession would stay in a functioning, non-radical Union His respect for the Constitution framed his response He would stay within the framework provided by the Constitution and do whatever he must to stop the rebellion and to preserve the Union He believed that since the Constitution did not grant the Congress regulatory powers over slavery that it could only be abolished through a Constitutional amendment or through Presidential emergency powers during war

His first step was to ignore calls for emancipation to ensure that the key Border States stayed with the Union General Grant's first significant campaign victories in Tennessee ensured that both Kentucky and Tennessee remained in the Union from 1862 on General JFC Fuller estimated the retention of Tennessee alone deprived the Confederacy of at least 100,000 troops³⁶ The President's second step was to use the threat of emancipation to lure the rebellious states back into the Union peacefully in late 1862 This failed because General Lee's string of victories in summer of 1862 left the Confederate government with no reason to negotiate, especially when the Congress was passing the 1st Confiscation Act and the May 1862 Emancipation Resolution

³⁵ Long, 36

Finally, during the nearly 100 days between the draft proclamation and its formal signing on January 1, 1863, he tried again to use emancipation as a tool to bring the conflict to an end. In his December 1, 1862 *Annual Address to Congress*, he proposed an extended emancipation which would cover thirty-seven years and be complete by the turn of the century.³⁷ This offer failed to gain a response and the final Emancipation Proclamation was signed 31 days later.

In summary, President Lincoln faced powerful, dynamic forces upon entering office. While the Confederacy posed the most significant threat to the preservation of the Union, he also faced the typical domestic pressures from Congress, the press and powerful interest groups. Clearly, the wartime environment magnified these interactions, especially when one considers the significant Republican Congressional majorities and the coalescing issue of slavery. However, President Lincoln saw a clear path to preserving the Union and it did not include immediate emancipation. He persevered with his strategy while the Congress, the press and interests groups pressed for immediate emancipation. Finally in July 1862, when the President presented his cabinet with his draft Emancipation Proclamation, he did so reluctantly because it would not harm his strategy to preserve the Union. Regardless of his reluctance, he took the risk and should therefore receive the credit, even if the credit includes the title the "Great Emancipator."

94 ³⁶ J F C Fuller, *The Generalship of Ulysses S Grant* (New York: Da Capo Press, 1991),

³⁷ *Abraham Lincoln Great Speeches*, 89-92

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